

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of)  
HAWAIIAN TELCOM, INC. )  
For Approval of Tariff Changes )  
on Short Notice. )  
Transmittal No. 07-07. )  
\_\_\_\_\_ )

DIV. OF CONSUMER ADVOCACY  
DEPT. OF COMMERCE AND  
CONSUMER AFFAIRS  
STATE OF HAWAII

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ORDER NO. 23357

Filed April 11, 2007  
At 2 o'clock P.M.

Bruce K. Kane  
for Chief Clerk of the Commission

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ORDER

By this Order, the commission approves on short notice Transmittal No. 07-07, filed by HAWAIIAN TELCOM, INC. ("Hawaiian Telcom") on April 10, 2007.<sup>1</sup> In effect, the commission authorizes the implementation of the 811 dialing code for access to the One Call Center for the State of Hawaii ("State"), consistent with the Federal Communications Commission's ("FCC") mandate.

I.

Background

Hawaii Revised Statutes ("HRS") § 269E-5(a) states:

**§269E-5 One call center established.** (a) By January 1, 2006, the commission shall establish and begin administration of a one call center that provides advance warning to excavators in this

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<sup>1</sup>Transmittal No. 07-07; Exhibit I; Verification; and Certificate of Service, filed on April 10, 2007, including the cost support filed under confidential seal ("collectively, "Transmittal No. 07-07"). Hawaiian Telecom served copies of its transmittal upon the Department of Commerce and Consumer Affairs, Division of Consumer Advocacy.

State of the location of subsurface installations in the area of an excavation for the purpose of protecting those installations from damage. In establishing the center, the commission shall consider the availability of experienced center providers. The commission shall award administration of the center to the provider the commission determines to be best qualified to provide center services. In reviewing a provider's qualifications, the commission shall consider cost, quality of service, experience, and other factors the commission deems appropriate.

HRS § 269E-5(a).

Consistent with this statutory mandate, the commission has selected a One Call Center administrator for the State.<sup>2</sup> The administrator, in turn, has initiated the implementation of the One Call Center for the State.<sup>3</sup>

On April 10, 2007, Hawaiian Telcom, the incumbent, facilities-based telecommunications carrier, filed its transmittal, seeking to establish rates and charges for an 811 dialing service that "will enable callers throughout Hawaii to easily reach Hawaii's One Call Center through the use of the '811' abbreviated dialing code and complies with [the FCC's] mandate."<sup>4</sup> Hawaiian Telcom seeks the commission's approval on short notice, no later than April 11, 2007, with an effective date of April 13, 2007.

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<sup>2</sup>See In re Public Util. Comm'n, Docket No. 05-0079 (selection of the One Call Center administrator); and In re Public Util. Comm'n, Docket No. 05-0195 (establishment of the One Call Center fees). Hawaiian Telcom, in its transmittal, does not disclose the identify of the One Call Center administrator, which is a matter of public record.

<sup>3</sup>See Dockets No. 05-0079 and No. 05-0195.

<sup>4</sup>Transmittal No. 07-07, at 1 - 2.

In support thereto, Hawaiian Telcom explains:

1. The FCC has established 811 as the nationwide, toll-free abbreviated dialing arrangement for use by one call systems within the United States. "The use of this 811 abbreviated dialing code eliminates the need for each state One Call system to utilize different contact numbers and serves the public interest by minimizing confusion over which number to call before engaging in excavation activities thereby avoiding potential service interruptions and safety hazards."<sup>5</sup>

2. The FCC's deadline to implement the use of 811 as the national abbreviated dialing code for access to state One Call systems is April 13, 2007.

3. On April 10, 2007, Hawaiian Telcom entered into a five-year contract with the One Call Center administrator to provide this custom service arrangement for 811 dialing service.

## II.

### Discussion

HRS §§ 269-12(b) and 269-16(a) and (b) state:

#### **§269-12 Notices. . . .**

(b) Any notice provided pursuant to section 269-16(b), shall plainly state the rate, fare, charge, classification, schedule, rule, or practice proposed to be established, abandoned, modified, or departed from and the proposed effective date thereof and shall be given by filing the notice with the commission and keeping it open for public inspection.

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<sup>5</sup>Transmittal No. 07-07, at 2.

**§269-16 Regulation of utility rates; ratemaking procedures.** (a) All rates, fares, charges, classifications, schedules, rules, and practices made, charged, or observed by any public utility or by two or more public utilities jointly shall be just and reasonable and shall be filed with the public utilities commission. The rates, fares, classifications, charges, and rules of every public utility shall be published by the public utility in such manner as the public utilities commission may require, and copies shall be furnished to any person on request.

. . . . .

(b) No rate, fare, charge, classification, schedule, rule, or practice, other than one established pursuant to an automatic rate adjustment clause previously approved by the commission, shall be established, abandoned, modified, or departed from by any public utility, except after thirty days' notice to the commission as prescribed in section 269-12(b), and prior approval by the commission for any increases in rates, fares, or charges. The commission, in its discretion and for good cause shown, may allow any rate, fare, charge, classification, schedule, rule, or practice to be established, abandoned, modified, or departed from upon notice less than that provided for in section 269-112(b). . . . .

HRS §§ 269-12(b) and 269-16(a) and (b) (emphasis added).

Likewise, Hawaii Administrative Rules ("HAR") § 6-80-40(d) provides that the commission, for good cause shown, may allow any tariff for a partially competitive or non-competitive service to become effective before the expiration of the thirty-day notice period provided for in HAR § 6-80-40(b). See also HAR § 6-61-112 (tariff filings filed by public utilities on short notice).

The purpose of Hawaiian Telcom's transmittal is to timely implement the 811 dialing code for the State's One Call Center by April 13, 2007, in compliance with the FCC's mandate.<sup>6</sup> Such action will enable callers throughout the State to reach the One Call Center by dialing the abbreviated 811 telephone number.

The One Call Center administrator will be assessed: (1) a one-time, non-recurring charge to initiate the 811 dialing service; and (2) a change of destination number/per occurrence charge, to the extent applicable.<sup>7</sup> The amount of the charges, agreed upon between Hawaiian Telcom and the One Call Center administrator, is supported by the confidential cost support filed by Hawaiian Telcom. Under the circumstances, the commission finds good cause to approve Hawaiian Telcom's transmittal on short notice, to take effect on April 13, 2007.

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<sup>6</sup>Hawaiian Telcom seeks commission approval by April 11, 2007 in order to have sufficient time to program its switches and equipment for the mandated April 13, 2007 inception date.

<sup>7</sup>The One Call Center administrator's operations are located out-of-state, and thus, Hawaiian Telcom's switches are programmed to reach this destination by way of an internal toll-free telephone number. During the five-year term of the agreement, if circumstances result in the change in the internal toll-free destination number, the One Call Center administrator will be assessed the change of destination number charge, for each occurrence, to cover the costs associated with reprogramming of the switches by Hawaiian Telcom.

III.


Orders

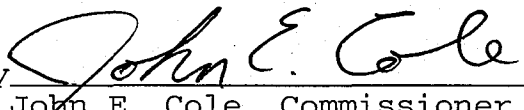
THE COMMISSION ORDERS:

Hawaiian Telcom's Transmittal No. 07-07, filed on April 10, 2007, is approved on short notice, to take effect on April 13, 2007.


DONE at Honolulu, Hawaii APR 11 2007.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By   
Carlito P. Caliboso, Chairman

By   
John E. Cole, Commissioner

APPROVED AS TO FORM:

  
Michael Azama  
Commission Counsel

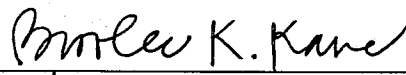
HTI Short Notice.eh

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing Order No. 23357 upon the following parties, by causing a copy hereof to be mailed, postage prepaid, and properly addressed to each such party.

CATHERINE P. AWAKUNI  
EXECUTIVE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
DIVISION OF CONSUMER ADVOCACY  
P. O. Box 541  
Honolulu, HI 96809

JOEL K. MATSUNAGA  
VICE PRESIDENT, EXTERNAL AFFAIRS  
HAWAIIAN TELCOM, INC.  
P. O. Box 2200  
Honolulu, HI 96841

  
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for Karen Higashi

DATED: APR 11 2007